

REMARKS

Claims 1-44 are pending in this application after this Amendment. Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 5, 7-8, 12, 14-19, 21-24, and 26-28 under 35 U.S.C. §102(e) as being anticipated by *Cusack et al.* (USP 6,493,724); rejected claims 2, 9, 20, and 25 under 35 U.S.C. §103(a) as being unpatentable over *Cusack et al.* in view of *Perkowski* (U.S. Publication No. 2002/0004753); rejected claims 3 and 10 under 35 U.S.C. §103(a) as being unpatentable over *Cusack et al.* and *Perkowski* and further in view of *Hudetz et al.* (USP 5,978,773); rejected claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Cusack et al.* and *Perkowski* and further in view of *Chu* (USP 6,279,170); and rejected claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Cusack et al.* in view of *Hudetz et al.* Applicant respectfully traverses these rejections.

Prior Art Rejections

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Cusack et al.* discloses reading out the label information which is required to be downloaded from the storage means and sending out the label information to the user's terminal when accessed by the user's terminal with reference to access destination information, citing to col. 6, lines 42-65, col. 6, lines 53-57, col. 5, lines 27-54, col. 6, lines 15-24, and Figs. 1-2. Applicant respectfully disagrees with the Examiner's characterization of this reference.

It is respectfully submitted that the disclosure of *Cusack et al.* is directed to a web-integrated inventory management system and method. Registered buyers search a database according to the desired criteria. When the criteria of the search request matches the criteria specified for a particular sample, the central host site approves and supervises transfer of the particular sample from the supplier to the requesting buyer (Abstract).

In contrast, the present invention as set forth in claim 1, as amended, recites, *inter alia*, a label information providing method comprising reading out the label information which is required to be downloaded from the storage means and sending out the label information to a user's terminal when accessed by the user's

terminal with reference to access destination information including a Uniform Resource Locator directly provided on material associated with the commodity. It is respectfully submitted that there is no teaching or suggestion in *Cusack et al.* that is directed to directly providing a Uniform Resource Locator on material associated with the commodity. At col. 3, lines 55-62, *Cusack et al.* discloses that buyers and sample providers may match their needs to available products where registered sample providers and buyers may initiate searches of the database in order to locate available samples. However, there is no teaching or suggestion in *Cusack et al.* that provides for access destination information to include a Uniform Resource Locator directly provided on material associated with the commodity. Further, there is no teaching or suggestion in *Cusack et al.* that is directed to a user terminal accessing the label information with reference to the access destination information including the Uniform Resource Locator directly provided on the material associated with the commodity. As *Cusack et al.* fails to teach or suggest all of the claim elements, it is respectfully submitted that claim 1, as amended, is not anticipated by *Cusack et al.*

In support of the Examiner's rejection of claims 3 and 10, the Examiner relies on the teachings of *Hudetz et al.* to cure the deficiencies of the teachings of *Cusack et al.* However, it is respectfully submitted that *Hudetz et al.* fails to teach or suggest

this claim element. The disclosure of *Hudetz et al.* is directed to a system and method for using an ordinary article of commerce to access a remote computer. The computer is provided having a database that relates UPC numbers to URLs. To access an Internet resource relating to a particular product, a user enters the product's UPC symbol manually, by swiping a bar code reader over the UPC symbol. The database retrieves the URL corresponding to the UPC code. This location information may then be used to access the desired resource (Abstract of *Hudetz et al.*). However, there is no teaching in *Hudetz et al.* that is directed to access destination information including a Uniform Resource Locator directly provided on material associated with the commodity as recited in claim 1. As such, it is respectfully submitted that *Hudetz et al.* fails to teach or suggest this claim element.

It is respectfully submitted that claims 2-7 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted independent claims 8, 15-19, and 24 contain elements similar to those discussed above with regard to claim 1, and thus claims 8, 15-19, and 24, together with claims dependent thereon, are not anticipated by *Cusack et al.*

By this Amendment, Applicant has added new claims 29-44 for consideration by the Examiner. It is respectfully submitted that claim 29 recites, *inter alia*, access destination information

including a Uniform Resource Locator proximate to the commodity. Based upon the teachings of *Cusack et al.* set forth above, it is respectfully submitted that *Cusack et al.* fails to teach or suggest access destination information including a Uniform Resource Locator proximate to the commodity as recited in independent claim 29. Further, it is respectfully submitted that *Cusack et al.* fails to teach or suggest a user terminal accessing label information with reference to access destination information including a Uniform Resource Locator proximate to the commodity. As such, it is respectfully submitted that claim 29 is allowable over the reference as cited.

It is further respectfully submitted that claim 30 is allowable for the reasons set forth above with regard to claim 29 at least based upon its dependency on claim 29. It is further respectfully submitted that independent claims 31, 33, 35, 37, 39, 41, and 43 contain elements similar to those discussed above with regard to claim 29, and thus these claims, together with claims dependent thereon, are allowable over the reference as cited.

Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview

in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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